

MEMORIAL

OF

VLADISLAUS WANKOWICZ, GRAND-NEPHEW OF GENERAL
THADDEUS KOSCIUSKO,

PRAYING

For the passage of an act providing for the removal of cases concerning the estate of General Kosciusko from the United States circuit court for the District of Columbia to the United States circuit court for the district of Maryland.

JANUARY 3, 1849.

Referred to the Committee on the Judiciary, and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

During the last session a memorial was presented to the honorable the Congress, praying for the passage of a special act of venue providing for the removal of cases of the heirs of General Kosciusko from the United States circuit court for the District of Columbia to the United States circuit court for the district of Maryland.

The object of the counsel of the heirs, (Major G. Tochman,) who prayed for the passage of that act, was, first, to secure relief to the heirs against the injurious effect emanating from the local influence which the holders of the estate of Kosciusko have in the District of Columbia; secondly, to protect his own constitutional rights and privileges as a naturalized citizen and member of the bar of the United States against the like influence of Mr. de Bodisco, minister from Russia, who intermeddled between Major Tochman and his clients living in Poland, and undertook to contest in the courts of the District his authority, in order to enforce upon him the law of Russia, which, for alleged political offences, disqualifies him from transacting any business affair for the subjects of that country.

That petition was not acted upon by the honorable the Congress. In the House of Representatives it was referred to the Committee on the Judiciary, and then, upon its motion, laid on the table; and in the Senate it is still depending.

Your memorialist being interested in the premises as one of the heirs-at-law of General Thaddeus Kosciusko, begs leave most respectfully to submit to the consideration of the honorable the Congress the following facts:

There are two branches of Kosciusko's heirs—that of the Estko family, and that of the Zolkowski family.

Tippin & Streeper, printers.

Some members of the Estko family had been heretofore compelled by the Russian government to sign a form of the power of attorney, intended to supersede, from political motives, Major Tochman's authority; which was forwarded by Mr. de Bodisco, from the city of Washington, to the Russian ministry at St. Petersburg. But some of them succeeded in avoiding the compulsory measures of their government in this respect.

Major Tochman's petition having not been acted upon during the last session of the honorable the Congress, they will no longer be able to resist those compulsory measures which, your memorialist has reason to believe, have been renewed at the instance of Mr. de Bodisco. They will be compelled, too, to revoke the counsel of their own choice; and Mr. de Bodisco and his government will loudly boast that the penal laws of Russia can be enforced against the Polish political exiles, even in the land of Washington!

Whether such triumph of the Russian minister near this government over the constitutional privileges of a naturalized citizen of the United States, as well as over the interest of the heirs of Kosciusko, involving their right of choosing a counsel, is consistent with the dignity and policy of the United States, your memorialist does not undertake to express his opinion. He has only stated the facts and their consequences. So far as he is individually concerned, the following is of a more serious character.

Your memorialist is a member of the Zolkowski family, which constitutes the second branch of the heirs of Gen. Kosciusko.

Your memorialist was at home, in Poland, when the form of the power of attorney which Mr. de Bodisco forwarded to St. Petersburg was submitted to the members of that family to obtain their signatures. The members of that family prayed the government that one of them might be permitted to come to this country with the power of attorney from others, in order to take their business affairs into their own hands. This being granted, your memorialist came to Washington city in September, 1847; and shortly after that date, a power of attorney from other members of the Zolkowski family was sent to him through the medium of the Russian government. Mr. de Bodisco handed that power of attorney to your memorialist.

The purpose of the arrival of your memorialist to this country has, however, been defeated by Mr. de Bodisco. He ordered your memorialist to revoke immediately the authority of Major Tochman, and did not even permit your memorialist to retain as his counsel the Hon. Reverdy Johnson, senator of the United States, who had, at the request of Major Tochman, offered to the heirs his professional aid, and for that purpose associated himself with the former as counsel of the heirs, previous to your memorialists coming to this country. Mr. de Bodisco said, "I hate Mr. Johnson, because he aids that rebel Tochman."

The Russian ministry at St. Petersburg having enjoined your memorialist to follow here the directions of Mr. de Bodisco, and the law of Russia making punishable as rebellion any disobedience to the Russian minister—even in a foreign country—the honorable Reverdy Johnson and Major Tochman were superseded by two lawyers of Washington city, whom Mr. de Bodisco enforced upon your memorialist, and, as heretofore stated, upon some of the members of the Estko family, through the medium of his government.

Although this forced change of counsel was made with the consent of Major Tochman, and after he had previously explained to the Hon. Reverdy Johnson the circumstances which led to it, your memorialist could not bear long the position which Mr. de Bodisco assigned to him. Upon hearing that it operated against Major Tochman, and aided Mr. de Bodisco's views more than it was at first expected, your memorialist addressed a letter to the lawyers who were assigned to him by Mr. de Bodisco, informing them that henceforth the Hon. Reverdy Johnson and Major Tochman were his legal counsel.

That letter being communicated to Mr. de Bodisco by the gentlemen to whom it was addressed, the former reported it to his government, and that government has confiscated all property which your memorialist possessed in Poland.

These are the consequences and results which could have been avoided had the honorable the Congress during the former session (previous to the difficulty which your memorialist had with Mr. de Bodisco, after he revoked the authority of the lawyers recommended to him by Mr. de Bodisco) passed the act of ventie for the relief of the heirs, as was prayed by their counsel, Major G. Tochman.

Your memorialist is now an exile, doomed to depend, in this far-off land, upon the small portion which is due to him as distributee of the estate which his grand-uncle, General Kosciusko, brought to and left in this country. He has already made the declaration of his intention to become a citizen of the United States, and most respectfully prays the honorable the Congress that he may be protected against further injuries by a speedy passage of the act providing for the removal of the cases concerning that estate, from the United States circuit court for the District of Columbia to the United States circuit court for the district of Maryland; it being the most contiguous district to that of Columbia, where the holders of the funds of Kosciusko's estate reside.

Your memorialist further shows to the honorable the Congress, that General Kosciusko died in 1817, and in 1819 some of his heirs of the Estko family presented their claim to the estate which he left in this country; but the local influence of the holders of the funds of that estate did not permit the heirs to recover it during the nearly thirty years litigation in the courts of the District of Columbia. That influence being now combined with that which Mr. de Bodisco commands in the district, it is evident, beyond any cavil, that, independent of all circumstances involving political views of Mr. de Bodisco, as well as the unwarrantable injury already done by him to your memorialist, and to other heirs of Gen. Kosciusko, the ends of justice, and the honor of the judiciary of the District of Columbia, imperiously demand that the protection herein prayed for be extended to the heirs.

As the exposure of evidences coming from a legitimate source could submit several persons to the wrath of the Russian government, and send them to Siberia, your memorialist annexes hereto his own affidavit.

Your memorialist has the honor to subscribe himself your obedient servant,

VLADISLAUS WANKOWICZ,

Grand nephew of Gen. Kosciusko.

CITY AND COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA, ss:

Be it remembered that on this third day of January, 1849, before me, Thomas Donoho, justice of the peace of the aforesaid county, in the District of Columbia, personally appeared Vladislaus Wankowicz, grand nephew of General Thaddeus Kosciuszko, who, after being duly sworn, and according to law, says that the facts stated in the foregoing memorial, as of his own knowledge, are true, as therein stated, and he verily believes that the facts therein stated, as derived from others, are true as there stated.

THOS. DONOHO, J. P.

THE HEIRS OF KOSCIUSKO.

During the last session of Congress an application was made to obtain relief for the heirs of Kosciuszko, and for Major Tochman, against certain interference of the Russian diplomatic representative, with their respective rights. A statement of the case has been furnished us, which we give below. It will be read with interest, as the case has heretofore attracted considerable attention.

General Thaddeus Kosciuszko, who fought in the war for American Independence, revisited this country in 1798, to see for the last time his former companions in arms. On this occasion he brought with him to this country a certain sum of money, which, on leaving, he left in the hands of his friend Thomas Jefferson, who undertook to invest it in stock and certificates of the government. Kosciuszko left also in the hands of Mr. Jefferson a paper purporting to be his will, dated May 5, 1798, by which he bequeathed that sum of money for certain charitable purposes, and made Mr. Jefferson the executor of it. The interest or dividends due in the lifetime of Kosciuszko, were to be sent to him to France, which Mr. Jefferson did with the most scrupulous punctuality.

In October, 1817, Kosciuszko departed this life, at Soleure, in Switzerland; whereupon Mr. Jefferson proved his will of the 5th of May, 1798, conditionally, but declined to act as administrator; and the Orphan's Court for the District of Columbia granted letters of administration on Kosciuszko's estate to the late Benjamin L. Lear, of Washington city, and after his death, in 1832, to Col. George Bomford, who also died in March, 1848, leaving the estate of Kosciuszko, which had accumulated to the sum of over sixty thousand dollars, unsettled.

Gen. Kosciuszko died unmarried and without issue, and his heirs-at law and next of kin at the time of his death were the children and the grandchildren of his sisters: Ann, who was married to Peter Estko, and Catharine, who was married to Charles Zolkowski—all living in Poland, under the government of Russia.

The Estko branch, as early as 1818, made inquiries, through the medium of Mr. Poletica, then minister from Russia near this government, as to the actual condition of the estate which Kosciuszko left in this country; and on being informed that the will of the 5th of May, 1798, could not take effect—the bequest made by it for charitable purposes being too vague and indefinite—they concluded to claim the distribution of the estate, and for that purpose retained, in 1823, a counsel in Wash-

ington city, through the medium of the late Baron de Thuye, the successor of Mr. Poletica, minister from Russia.

Their counsel (Messrs. Swann and Sampson) filed a bill in chancery against the administrator of the estate; but both died in 1836, leaving the suit unfinished. Since their death, the heirs of Kosciusko for many years had neither counsel nor agent in this country, till 1843, when the Estko branch executed and sent a power of attorney to their cousin, Ignatius Chutkowski, a Polish political exile, and now a citizen of the United States, residing in the city of New York, who, in November, 1845, engaged the legal services of Major G. Tochman.

But Major G. Tochman is also a Polish political exile. He is a naturalized citizen, and a member of the bar of the United States. He however did not cease to be the nephew of the far-famed Polish hero, John Skrzynecki, who, in 1830, caused the Autocrat's throne to totter to its very foundation. Beside that, he himself was a youthful soldier in the army which fought the battles of 1830, for the freedom of Poland. These considerations, together with the consideration of Major Tochman's public lectures and public addresses—delivered before the American public and legislative bodies—on the policy of Russia, and the history and future prospects of Poland, could not fail to be noticed by the Russian diplomatic representative near this government. When M. de Bodisco learned that Major Tochman became the counsel of the heirs, he at once suggested to the gentlemen with whom Major Tochman was associated, that they should get a power of attorney direct from the heirs of Kosciusko, alleging that the latter being Russian subjects, Major Tochman had no right to transact any business for them, being disqualified by the laws of Russia as a political exile. This suggestion was accepted by Major Tochman's associates. The following translation from a letter which M. de Bodisco wrote to Mrs. Catharine Estko, who was the correspondent of all the Estko branch, relates what succeeded:

“WASHINGTON, *February* 15, 1846.

“MADAME: I have just received your letter of the 24th of November, and hasten to answer it. I have transmitted to the Imperial Ministry some documents which will soon be communicated to you. * * * * * You will be invited to sign a new power of attorney, in which you will formally name as your counsel, Messrs. Fendall and Joseph Bradley, which will annul the authorization which you have very imprudently given to Mr. Chutkowski. Your cousin may be very devoted to you, but his position does not permit the imperial legation to have any communication with him; and still less with Mr. Tochman.” &c., &c.

The letter from which the foregoing has been quoted, is an answer of the Russian diplomatic representative to the letter of Mrs. Estko, dated the 24th of November, 1845, in which she wrote to M. de Bodisco as follows:

“Our cousin, Mr. Chutkowski, has given us proofs of his fidelity and loyalty; he recommends to us for our counsel Major Tochman, of New York. * * * * * Your excellency will please to excuse me that I take the liberty to beg you to permit this change of counsel, and we beg you to remit to him the papers, &c., through the medium of Mr. Chutkowski, residing in New York.” * * * * *

Ultimately some of the heirs of the Estko branch signed the form of the power of attorney alluded to in the letter of M. de Bodisco to Mrs. Catherine Estko.

The Zolkowski branch, whose interest in the estate was also defended by Major Tochman, were more favored by the Russian government. They were allowed to send here one of their number. This fell upon Captain Vladislaus Wankowicz, who is the grand-nephew of General Kosciusko. He was ordered by his government to report himself to M. de Bodisco immediately upon his arrival at Washington. This stroke of policy, intended to discredit Major Tochman, by personal opposition to him in this country of one of the heirs, has completely failed. The grand-nephew of General Kosciusko, on his arrival at Washington, sought first an interview with Major Tochman before he reported himself to M. de Bodisco, apprized the former of the order of his government, and then followed his advice to obey it; the laws of Russia making punishable as rebellion any disobedience to the government, even in matters relating to the personal concerns of her subjects. Soon Major Tochman's authority was revoked, and invested in the members of the bar recommended to Captain Wankowicz by M. de Bodisco. But the grand-nephew of the illustrious Kosciusko could not continue to play the part assigned him by the Russian government. Seeing that his apparent submission to M. de Bodisco operated with some prejudice against Major Tochman, he at once notified the gentlemen recommended to him by M. de Bodisco, that their authority was at an end, and that Major Tochman, conjointly with Hon. Reverdy Johnson, who had previously offered his professional aid, were his attorneys and counsel. This was immediately reported by M. de Bodisco to his government, and the latter confiscated Capt. Wankowicz's property which he had left in Poland. Upon hearing it, Capt. Wankowicz renounced allegiance to the Czar, and a few weeks ago declared his intention to become a naturalized citizen of the United States. Unwilling to become a tool of the despot, Captain Wankowicz has been beggared. He has now to depend only upon his portion of this estate of his grand uncle, General Kosciusko. This estate was in a very precarious condition when Major Tochman took charge of the claim of the heirs. But since then, it has been well secured, and there is a prospect that in a few months Captain Wankowicz will reach his portion. Hon. Reverdy Johnson and T. Parkin Scott, esq., of Baltimore, co-operate with Major Tochman in the premises.—*N. Y. Tribune.*



